

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

ELIZABETH GENTZLER,)	
)	
Plaintiff,)	
)	Docket No. 1:15-CV-295
vs.)	
)	
HAMILTON COUNTY,)	
JUDGE ROB PHILYAW in his individual capacity,)	
and SAM MAIRS, in his individual capacity,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants Hamilton County, Judge Rob Philyaw, and Sam Mairs, pursuant to 28 U.S.C. § 1446(b)(3), show the Court as follows:

1. Plaintiff Elizabeth Gentzler filed this action against the above-named Defendants on or about August 31, 2015, in the Circuit Court of Hamilton County, Tennessee, bearing docket number 15 C 1031. All Defendants were served on October 13, 2015.

2. This matter is removable pursuant to 28 U.S.C. §1446(b)(3), due to the Plaintiff's alleging violations of Title VII of the Civil Rights Act and the 14th Amendment to the United States Constitution, as enforced through 42 U.S.C. §§ 1983.

3. This Court has jurisdiction over the above-styled cause of action pursuant to 28 U.S.C. § 1331, § 1343, and § 1441(b).

4. The United States District Court for the Eastern District of Tennessee at Chattanooga, embracing Hamilton County, Tennessee, in which the Circuit Court action is currently pending, is the proper venue for removal of this action.

5. The Plaintiff has alleged violations of her rights under Title VI of the Civil Rights Act, the Fourteenth Amendment of the United States Constitution, and the Tennessee Human Rights Act, in addition to a claim of breach of contract. Accordingly, removal is proper because this action involves a federal question.

6. Each of these Defendants expressly reserves the right to raise all defenses and objections after the action has been removed to this Court.

7. Copies of all pleadings, process, orders and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. § 1446(a). (Attached hereto as Collective Exhibit A).

8. These Defendants will promptly file a copy of this notice of removal with the clerk of the state court where the suit is pending.

9. This Notice of Removal has been filed within thirty (30) days of these Defendants' first notice that the Plaintiff has alleged a basis for federal question jurisdiction.

WHEREFORE, these Defendants pray that the above-captioned cause of action be removed from the Circuit Court of Hamilton County, Tennessee, to the United States District Court for the Eastern District of Tennessee at Chattanooga.

HAMILTON COUNTY ATTORNEY'S OFFICE

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of October, 2015, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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s/Mary Neill Southerland